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HIGHER EDUCATION

COMMISSION ON HIGHER EDUCATION

Minority Academic Career Program

Proposed Readoption with Amendments: N.J.A.C. 9A:17

Authorized By: Commission on Higher Education, Francis J. Mertz, Chair

Authority: N.J.S.A. 18A:72F-11 and 18A:72M-6

Calendar Reference: See Summary below for explanation of exception to
calendar requirement.

Proposal Number: PRN 2005-88

Submit written comments by May 6, 2005 to:

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The agency proposal follows:

Summary

The Minority Faculty Advancement (N.J.S.A. 18A:72F-1 et seq.) and the Minority Undergraduate Fellowship (N.J.S.A. 18A:72M-1 et seq.) programs are known collectively as the Minority Academic Career (MAC) program. MAC was administered by the Higher Education Student Assistance Authority (HESAA) until 1999, when statutory changes placed the program under the aegis of the Commission on Higher Education. The 1999 amendments eliminated the faculty advancement program's original loan and loan redemption provisions; HESAA is responsible for the phase-out of existing redemption agreements. (The authority's rules at N.J.A.C. 9A:8-3 pertain to those original provisions.)

MAC seeks to increase diversity on New Jersey college and university campuses among both faculty and administrators from historically disadvantaged minority groups. The current program has three components. A graduate component provides fellowships and support services to eligible individuals working towards their doctorates. An incentive hiring component helps institutions recruit and hire from historically disadvantaged groups. The undergraduate program identifies promising students from these groups and encourages them to pursue academic careers.

The Commission on Higher Education's rules for the MAC program, N.J.A.C. 9A:17, are set to expire on October 14, 2005, pursuant to N.J.S.A. 52:14B-5.1c. Under the current rules, eligibility is restricted to minorities. The Commission proposes readoption of the rules with amendments to reflect the evolution of case law regarding raced-based preferences in higher education. The Commission wishes to implement MAC so that it serves the legitimate and constitutionally defensible goal of assisting disadvantaged students in obtaining access to equal educational opportunities and establish a race-neutral means of meeting that goal.

The rules for the MAC program are organized in four subchapters, as follows.

Subchapter 1 describes the purposes of the two statutory programs that MAC encompasses; defines various terms used throughout the chapter; cites the phase-out provisions of the enabling statute; and outlines the functions of the MAC Program Advisory Committee, which include recommending candidates for both undergraduate and graduate MAC fellowships. Proposed for N.J.A.C. 9A:17-1.1 is a race-neutral description of MAC program purposes to replace existing rule text. At N.J.A.C. 9A:17-1.2, the definition of "minority" is proposed for deletion, consistent with proposed

new provisions replacing the current prerequisite of minority status. Also proposed for deletion is the definition of “eligible discipline” because it is derived from research that identified fields in which minorities are underrepresented, but there is no comparable data for disadvantaged students. In addition, two minor typographical errors would be corrected. The Program Advisory Committee’s responsibility to recommend eligible disciplines (N.J.A.C. 9A:17-1.3(c)2), is proposed for deletion.

Subchapter 2 outlines the campus assistance grants, which provide graduate fellowships for up to three years of doctoral study and a possible fourth year to complete the dissertation, as well as support for faculty mentors for MAC fellows and regular meetings where students can network and learn effective research and teaching skills. The rules present details of the doctoral fellowships, student eligibility criteria, the selection process for graduate MAC fellows, and the responsibilities of institutions and the Commission. Under proposed amendments to the student eligibility provisions at N.J.A.C. 9A:17-2.2(b), a background of disadvantage would be required, instead of the current rules’ membership in a minority group; four alternative ways to meet the new requirement are specified. The rules for the dissertation fellowship are proposed for revision by removing redundant language at N.J.A.C. 9A:17-2.2(c)1 and reiterating the disadvantaged background criteria at proposed N.J.A.C. 9A:17-2.2(c)3. Reference to “eligible disciplines” is proposed for deletion at N.J.A.C. 9A:17-2.4(a)1.

Subchapter 3 concerns the incentive hiring grants, whereby an institution may redeem outstanding loans of an eligible potential new faculty member or administrator and be reimbursed by the State. The rules outline requirements for institutional participation and detail the processes by which an institution reserves incentive hiring funds and applies for reimbursement. Responsibilities of the newly hired individuals, or beneficiaries, and the Commission are also presented. Proposed amendments at N.J.A.C. 9A:17-3.1(a) and (b) delete the term “minority” describing the new hires for whom incentive hiring grants may be awarded. Proposed for addition to beneficiary responsibilities, at N.J.A.C. 9A:17-3.2(a), is a background of disadvantage as specified at proposed N.J.A.C. 9A:17-2.2(b)4. The incorrect term “host” describing institutions eligible to participate in the incentive hiring component of the MAC program is proposed for deletion throughout subchapter 3.

The provisions of subchapter 4 govern the undergraduate MAC fellowships, including student eligibility criteria; the selection process for undergraduate MAC fellows; student eligibility criteria; the selection process

for undergraduate fellows; the responsibilities of institutions, students, and the Commission; and details of the undergraduate award. Under proposed amendments to the student eligibility provisions at N.J.A.C. 9A:17-4.1(b), a background of disadvantage would be required, instead of the current rules' membership in a minority group; three alternative ways to meet the new requirement are specified. Reference to "eligible disciplines" is proposed for deletion at recodified N.J.A.C. 9A:17-4.1(b)1.

As the Commission has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption maintain implementation of the components of the MAC programs. The proposed amendments emphasize the statutory purpose of assisting qualified disadvantaged individuals in obtaining access to equal educational and employment opportunities, toward the ultimate goal of greater campus diversity. Increased numbers of undergraduate and graduate students from disadvantaged backgrounds will enhance student diversity in New Jersey doctoral programs and, ultimately, enlarge the pool of such individuals from which New Jersey institutions of higher education can recruit candidates for faculty and administrative positions.

Economic Impact

The rules proposed for readoption with amendments allow institutions to offer as a benefit to new faculty and administrators from a disadvantaged background moneys to help these new hires repay their education-related loans. An institution receives a grant from the State to reimburse the school up to \$10,000 per year to a maximum of \$40,000 over four years for an eligible new employee. The rules also enable New Jersey doctoral institutions to offer fellowship packages in recruiting talented students from a disadvantaged background into doctoral programs. Required institutional contributions augment a State-funded stipend of up to \$17,000 per year and up to \$3,000 in other support for up to three years, with a fourth year for MAC doctoral fellows who meet certain dissertation requirements. The program provides undergraduate MAC fellows with up to a \$2,000 stipend and \$500.00 in other support in their senior year.

Federal Standards Statement

The rules proposed for readoption with amendments are not subject to a Federal standards analysis under Executive Order No. 27 (1994) because

the Minority Academic Career Program was established by New Jersey legislation, is wholly supported by State appropriations, and is not subject to any Federal requirement or standards.

Jobs Impact

The rules proposed for re adoption with amendments will not result in the generation or loss of any jobs.

Agriculture Industry Impact

The rules proposed for re adoption with amendments will have no impact on the agriculture industry.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the rules proposed for re adoption with amendments do not impose requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules pertain strictly to public and to publicly funded independent colleges and universities in New Jersey, none of which qualifies as a small business because all have at least 100 full-time employees.

Smart Growth Impact

The rules proposed for re adoption with amendments will have no impact on the achievement of smart growth and the implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for re adoption may be found in the New Jersey Administrative Code at N.J.A.C. 9A:17.

Full text of the proposed amendments follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

CHAPTER 17

MINORITY ACADEMIC CAREER PROGRAM

SUBCHAPTER 1. INTRODUCTION

9A:17-1.1 Authority and purpose

(a) [N.J.S.A. 18A:72F-1 et seq. establishes the Minority Faculty Advancement Program to increase the number of minority faculty and administrators with doctorates in certain academic disciplines and to increase the representation of minority faculty and administrators with doctorates at New Jersey colleges and universities.] The Commission on Higher Education is charged with implementing Campus Assistance Grants, pursuant to N.J.S.A. 18A:72F-1 et seq., and Undergraduate Fellowships, N.J.S.A. 18A:72M-1 et seq. These programs have been modified to meet legal requirements and to preserve the broad purpose of providing assistance to disadvantaged doctoral candidates and disadvantaged undergraduates who are interested in pursuing academic careers and new faculty from disadvantaged backgrounds.

1. – 2. (No change.)

[(b) N.J.S.A. 18A:72M-1 et seq. establishes the Minority Undergraduate Fellowship Program to identify and assist academically talented minority undergraduates at New Jersey colleges and universities who are interested in pursuing academic careers in certain disciplines at New Jersey colleges and universities.]

9A:17-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

. . .

["Eligible discipline" means an academic field where minority faculty with doctorates are underrepresented in comparison with nonminority doctoral faculty, including, but not limited to, the physical and life sciences, engineering, mathematics, management, computer sciences, environmental science, and statistics. "Eligible discipline" shall not, however, include the disciplines of law, medicine, or dentistry except under the incentive hiring component of MAC (N.J.A.C. 9A:17-3).]

"Eligible institution" means a public institution of higher education or a private institution with a public purpose as defined in the Independent College and University Assistance Act (N.J.S.A. 18A:72B-15 [et al] et seq.)

that elects to participate in the incentive hiring grant component of the Minority Faculty Advancement Program.

. . .

“Faculty member” means any person employed full-time by a New Jersey institution of higher education to perform primarily teaching, research, or administrative duties.

“Faculty mentor” means any person employed full-time by a New Jersey institution of higher education to perform primarily teaching or research duties who agrees to participate in the Minority Faculty Advancement Program or the Minority Undergraduate Fellowship Program and abide by all terms and conditions of such participation as set forth in this chapter.

. . .

“Host institution” means a public institution of higher education or a private institution with a public purpose as defined in the Independent College and University Assistance Act (N.J.S.A. 18A:72B-15 [et al] et seq.) which has authority under the laws of New Jersey to award doctoral degrees and which enters into an agreement with the Commission, under the Minority Faculty Advancement Program, to provide institutional support for graduate MAC fellows pursuing doctorates in eligible disciplines and to disburse State campus assistance grants as set forth in this chapter.

. . .

[“Minority” means any U.S. citizen or permanent resident who is a member of a racial/ethnic group that has been historically disadvantaged in obtaining access to equal educational opportunities as designated by the U.S. Department of Education, Office of Civil Rights, namely, African Americans, Hispanics, native Americans, Asians, and Pacific Islanders.]

. . .

“Sponsoring institution” means a public institution of higher education or a private institution with a public purpose as defined in the Independent College and University Assistance Act (N.J.S.A. 18A:72B-15 [et al] et seq.) which has authority under the laws of New Jersey to award baccalaureate degrees and which provides institutional support for undergraduate MAC fellows as set forth in this chapter.

. . .

9A:17-1.3 Program advisory committee

(a) – (b) (No change.)

(c) The Committee shall:

1. (No change.)

[2. Make recommendations to the Executive Director regarding appropriate eligible disciplines;]

Recodify existing 3. – 4. as 2. – 3. (No change in text.)

SUBCHAPTER 2. CAMPUS ASSISTANCE GRANTS

9A:17-2.2 Student eligibility for doctoral fellowships

(a) (No change.)

(b) To qualify as a nominee for a MAC doctoral fellowship, an individual shall:

[1. Be a member of a minority group;]

[2.] 1. Be admitted or enrolled as a full-time graduate student pursuing a doctorate [in an eligible discipline] at a host institution;

[3.] 2. Demonstrate superior performance in previous academic work and graduate admissions testing; [and]

[4.] 3. Show high interest and potential for success in college teaching and academic research or administration[.]; and

4. Be from a disadvantaged background, as demonstrated by inclusion in at least one of the following categories:

i. Meet the requirements of N.J.A.C. 9A:11-2.4;

ii. Be a former or current recipient of a New Jersey EOF Article III undergraduate or graduate grant;

iii. Be a student who would have been eligible as an undergraduate for a New Jersey EOF Article III student grant; or

iv. Be a first-generation college student whose immediate family is or was eligible for government assistance and/or educational programs targeted toward low-income and disadvantaged populations (TRIO, NJ GEAR UP, free and reduced breakfast programs, food stamps, or at least one year of Pell grants).

(c) To qualify as a nominee for a MAC dissertation fellowship, an individual shall:

[1. Have been the recipient of a MAC doctoral study fellowship or, as further specified at N.J.A.C. 9A:17-2.7(c), have been a prior MAC program participant;]

[2.] 1. Have successfully defended the dissertation proposal; [and]

[3.] 2. Have received permission from the dissertation committee to proceed with the dissertation[.]; and

3. Be from a disadvantaged background, as demonstrated by inclusion in at least one of the following categories:

i. Meet the requirements of N.J.A.C. 9A:11-2.4;

ii. Be a former or current recipient of a New Jersey EOF Article III undergraduate or graduate grant;

iii. Be a student who would have been eligible as an undergraduate for a New Jersey EOF Article III student grant; or

iv. Be a first-generation college student whose immediate family is or was eligible for government assistance and/or educational programs targeted toward low-income and disadvantaged populations (TRIO, NJ GEAR UP, free and reduced breakfast programs, food stamps, or at least one year of Pell grants).

9A:17-2.4 Institutional responsibilities

(a) A host institution shall:

1. Offer a doctoral degree [in at least one of the eligible disciplines designated for the MAC program];

2. – 5. (No change.)

(b) – (d) (No change.)

SUBCHAPTER 3. INCENTIVE HIRING GRANTS

9A:17-3.1 Institutional participation

(a) Incentive hiring grants shall be awarded to reimburse eligible institutions for student loan redemption benefits provided by the institution to [minority] faculty members or administrators from disadvantaged backgrounds with doctoral degrees who are newly hired for full-time employment.

(b) Only existing unpaid loan balances on eligible student loans at the time a new [minority] faculty member or administrator is hired pursuant to (a) above are eligible for redemption through this program.

(c) (No change.)

(d) Institutions that receive incentive hiring grants shall enter into an agreement with the Commission to provide loan redemption up to \$40,000 over four years, as follows:

1. – 2. (No change.)

3. Each institution shall determine the method and timing of distribution of loan redemption benefits to beneficiaries, which may include direct loan redemption payment(s) by the [host] institution to the lender.

4. (No change.)

9A:17-3.2 Beneficiary responsibilities

(a) A potential beneficiary must provide evidence that as an undergraduate or graduate students he/she is from a disadvantaged background, as demonstrated by inclusion in at least one of the following categories:

i. Meet the requirements of N.J.A.C. 9A:11-2.4;

ii. Be a former or current recipient of a New Jersey EOF Article III undergraduate or graduate grant;

iii. Be a student who would have been eligible as an undergraduate for a New Jersey EOF Article III student grant; or

iv. Be a first-generation college student whose immediate family is or was eligible for government assistance and/or educational programs targeted toward low-income and disadvantaged populations (TRIO, NJ GEAR UP, free and reduced breakfast programs, food stamps, or at least one year of Pell grants).

[(a)] (b) The beneficiary shall provide such evidence as the [host] institution or the Commission may require of payments on eligible student loan(s) in accordance with the terms of the loan agreement(s) or promissory note(s).

[(b)] (c) The beneficiary shall provide such evidence as the [host] institution may require that he or she has redeemed some portion of the eligible student loan(s) during the academic year, unless the institution or the Commission makes the loan redemption payment(s) directly to the lender, as indicated in N.J.A.C. 9A:17-3.1(d)3 and 3.4(c), respectively.

[(c)] (d) The beneficiary shall comply with all Federal and State tax laws and regulations regarding the additional compensation received from the [host] institution or the payment(s) to the lender(s) made by the [host]

institution or the Commission, if applicable, for the purposes of redeeming eligible student loans under this program.

SUBCHAPTER 4. UNDERGRADUATE FELLOWSHIPS

9A:17-4.1 Student eligibility

(a) A MAC undergraduate fellow must be nominated by a sponsoring institution.

(b) To qualify as a nominee for a MAC undergraduate fellowship, an individual shall:

[1. Be a member of a minority group;]

[2.] 1. Be enrolled as a full-time undergraduate pursuing a bachelor's degree [in an eligible discipline] at a sponsoring institution;

[3] 2. (No change in text.)

[4.] 3. Demonstrate a potential for academic excellence based on performance in previous academic work and related activities, including a cumulative grade point average of at least 3.0 based on a 4.0 scale; [and]

[5.] 4. Show interest in pursuing graduate education and a career as a collegiate faculty member[.]; and

5. Be from a disadvantaged background, as demonstrated by inclusion in at least one of the following categories:

i. Meet the requirements of N.J.A.C. 9A:11-2.4;

ii. Be eligible for a New Jersey EOF Article III as an undergraduate student grant;

iii. Be a student who would have been eligible for a New Jersey EOF Article III undergraduate student grant; or

iv. Be a first-generation college student whose immediate family is or was eligible for government assistance and/or educational programs targeted toward low-income and disadvantaged populations (TRIO, NJ GEAR UP, free and reduced breakfast programs, food stamps, or at least one year of Pell grants).